

## Council Communication

Department and Applicant: Community Development Case No. ZT-10-001	Ordinance No. <u>6053</u>	Planning Commission: <u>2-09-2010</u> First Reading <u>2-22-2010</u> Second Reading <u>3-8-2010</u> Third Reading _____
<b>Subject/Title</b>		
<p>Amend Chapter 15.31 – Communication Towers - Municipal Code (Zoning Ordinance) as follows:</p> <ol style="list-style-type: none"><li>1. Amend §15.31.020 ‘Applicability’. New item #7 to certify non-interference with County emergency communication transmissions. Change reference to conditional use permit from Chapter 15.27 to Chapter 15.02.</li><li>2. Amend §15.31.010 ‘Statement of Intent’. Change reference to conditional use procedures from Chapter 15.27 to Chapter 15.02.</li><li>3. Amend §15.31.050 (01) ‘Standards and conditions for approval’. Change reference authorizing the Zoning Board of Adjustment to make final decisions on conditional uses and the process from Chapter 15.27 to Chapter 15.02.</li></ol> <p>See Attachment ‘A’. New text is <u>underlined</u>. Text to be removed is <del>struck through</del>.</p>		
<b>Background/Discussion</b>		
<p>Pottawattamie County continues to upgrade its emergency communication system. This system relies on line of sight to transmit between/among towers. The Pottawattamie County Sheriff's Office wishes to review the location of any new communication tower to assure clear transmission of its emergency communications. The proposed amendment requires an applicant to have the County Sheriff's Office review and verify that erection of a tower at that height and location will not cause interference with their transmissions. All costs for certifying non-interference shall be at applicant's expense. This documentation must accompany applications for a conditional use.</p> <p>The authority and process for actions by the Zoning Board of Adjustment, including approval of Conditional Uses were moved from Chapter 15.27 to Chapter 15.02 in October of 2008. The other three changes are to make those references consistent with the Zoning Ordinance as amended last year.</p> <p>For your consideration, Attachment ‘A’ shows the proposed amendments to Chapter 15.31 – Communication Towers in the Municipal Code (Zoning Ordinance) as discussed above.</p>		
<b>Recommendation</b>		
<p>The Community Development Department recommends amending Chapter 15.31 Communication Towers of the Municipal Code (Zoning Ordinance) as shown in Attachment ‘A’.</p>		
<b>Public Hearing</b>		
<p>Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
<b>Planning Commission Recommendation</b>		
<p>The Planning Commission recommends amending Chapter 15.31 Communication Towers of the Municipal Code (Zoning Ordinance) to add a requirement to assure non-interference with emergency communication transmissions and to change an internal reference as shown on Attachment ‘A’.</p>		
<p>VOTE: AYE 9    NAY 0    ABSTAIN 0    ABSENT 2    Motion: Carried</p>		
<p>Attachment ‘A’</p>		
<p>Prepared by: Gayle M. Malmquist, Development Services Coordinator</p>		

## Chapter 15.31

### COMMUNICATION TOWERS Standards and Conditions for Approval

#### Sections:

- 15.31.010 Statement of intent
- 15.31.020 Applicability
- 15.31.030 Accessory uses
- 15.31.040 Site plan review procedure
- 15.31.050 Standards and conditions for approval
- 15.31.060 Additional regulations

**15.31.010 Statement of intent.** The purpose of this chapter is to provide for the appropriate location of communication towers and related accessory facilities to serve the needs of the community. The conditional use procedure set forth in Chapter 15.2702 and this chapter provides for the review and discretionary approval of communication tower sites considering conditions specific to the location while offering uniform and comprehensive standards for the development of functionally equivalent services. These regulations are designed to assure the managed development of the community's communication infrastructure through a timely and responsible review process.

**15.31.020 Applicability.** Communication towers exceeding the maximum height allowed in the underlying zoning district to a maximum height of 200 feet are permitted in all zoning districts, subject to approval of a conditional use permit as set forth in Chapter 15.2702 and the additional minimum standards in this Chapter.

01. The following types of communication towers are subject to the standards and procedures of this Chapter.
  - a. UHF, VHF and cable television
  - b. AM, FM and two-way radio
  - c. Fixed point microwave
  - d. Wireless communications, including but not limited to paging, cellular, enhanced specialized mobile radio (ESMR), and personal communications systems (PCS).
02. An antenna and supporting structure for the following are exempt from the development standards of this Chapter and are allowed in any zoning district, if accessory to a permitted use and in compliance with other applicable regulations of that zoning district.
  - a. Amateur radios licensed by the FCC
  - b. Citizens band radios
  - c. Direct broadcast satellite discs
  - d. Conventional home television antennas, including UHF and VHF antennas
03. Towers for police, fire and emergency communications or other municipal systems are exempt from the development standards of this Chapter.
04. Towers attached to utility poles located in public right-of-way are exempt from the development standards of this Chapter. However, placement of such towers shall be

subject to review and approval by the Public Works Department and the appropriate utility.

05. Communication facilities to be co-located onto an existing legally established tower with no increase in height are exempt from the review procedures of this Chapter. However, documentation of the capacity of the structure to support weight or wind load from the additional equipment shall be provided to the Building Division of the Public Works Department prior to issuance of a building permit.
06. Building-attached facilities, either roof mounted antennas or antennas attached to the side of a building are exempt from the standards and conditions of this chapter. These structures shall be subject to review for compliance with all applicable federal, state and local regulations by the Building Division of the Public Works Department, prior to issuance of any local permits. The community development department shall have the authority to approve placement of communication facilities proposed to be mounted on other structures such as water tanks, steeples or other creative locations, if it is determined that the proposed location is consistent with the facilities exempted from the procedures of this Chapter.
07. No tower shall be constructed in a manner which will interfere with emergency communication transmissions of the County. The applicant shall request documentation from the County Sheriff to verify that said tower will not create such interference. Said documentation shall be submitted with the application. Any cost incurred in the process of certifying that the tower, transmitter, receiver or any other communications equipment will not interfere with emergency communication transmissions shall be at the applicant's expense.

#### **15.31.030 Accessory uses**

01. Accessory structures used in direct support of a tower, including equipment cabinets and fencing shall be allowed, but not broadcast studios, vehicle storage or other outdoor storage unless otherwise permitted in the zoning district.

#### **15.31.040 Site plan review procedure**

01. Application. The property owner or their authorized representative may submit an application for a conditional use permit. The application shall be filed with the community development department, along with the required filing fee. The following information shall be considered the minimum. The community development director shall determine the adequacy and completeness of the application prior to scheduling the case before the Zoning Board of Adjustment.
  - a. Legal description and location of the property with a scaled drawing with north arrow and date, showing the relationship of the parcel to the surrounding area.
  - b. A site plan showing all existing and proposed structures located within the property, total acreage of the parcel, dimensions and distances of all structures within the property and 200' beyond the property line.
  - c. Engineering information and drawings pertaining to tower design, building materials, accessory structures and attached equipment, capacity and the number and type of antennas.
  - d. A landscape plan including screening, fencing, lighting and security measures. Notice or proof of application to the Federal Aviation Administration, Federal

Communications commission and/or any other applicable state or federal regulator allowing a tower at the proposed location. Final notice shall be required prior to issuance of the building permit, if a conditional use permit is granted.

**15.31.050 Standards and conditions for approval.** Conditional use permits for the purpose of installing communication towers shall be evaluated based on the following information.

01. ~~The considerations listed in Chapter 15.27.020(02) Powers of the Board of Adjustment for conditional uses~~ Compliance with Chapter 15.02 Administration and Enforcement authorizing the Zoning Board of Adjustment to make final decisions on applications for conditional uses and the process as described in that Chapter.
02. The type and purpose of the tower
03. The height of the proposed tower as measured from the natural undisturbed ground surface below the center of the base of the tower to the tip of the highest antenna or piece of equipment attached.
04. Minimum setbacks from all adjoining property equal to:
  - a. One hundred percent of the tower height from the base of the tower to any adjoining residential dwelling, whether located upon residentially zoned property or not.
  - b. Twenty (20) feet from the base of the tower to any adjoining lot which is not zoned for residential use.
  - c. The Zoning Board of Adjustment may reduce the required setbacks on a finding that such reduction will not adversely effect adjacent properties and is consistent with the purpose and intent of this Chapter.
05. Operational characteristics of the facility including maintenance routines, employee access and security requirements.
06. Landscaping and other buffers proposed to screen the base of the tower from residential or commercial uses, streets, parks or other public property.
07. Other proposed measures to minimize the adverse visual effects on adjacent land including lighting, non-interference with radio and television reception or other mitigating factors.
08. Proximity to other towers and documentation of incompatibility with those towers, attempts to co-locate and/or accommodate other providers on the proposed tower.
09. Towers requiring painting or lighting to meet Federal Aviation Administration requirements are permitted in any zoning district.

**15.31.060 Additional regulations**

01. A conditional use permit shall become void two (2) years after the date of approval unless the applicant has obtained a building permit and is in the process of or has completed construction of the communication tower as approved.
02. A conditional use permit approved subject to these procedures shall run with the land and continue to be valid regardless of change of ownership of either the land or the approved structure, however the owner is required to notify the City of any sub-leases or shared use of the tower.
03. After proper notice of a public hearing on the matter as required elsewhere in this title, the Zoning Board of Adjustment may revoke a conditional use if it finds that the use is in violation of the terms of approval.
04. All obsolete or unused towers and accessory facilities shall be removed at owner's expense within twelve (12) months of cessation of operation at the site.

ORDINANCE NO. 6053

AN ORDINANCE to amend Chapter 15.31 "Communication Towers" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Sections 15.31.010 "Statement of Intent", Section 15.31.020 "Applicability", and Section 15.31.050 "Standards and conditions for approval".

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

**SECTION 1.** That Chapter 15.31 "Communication Towers" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 15.31.010 "Statement of Intent", to read as follows:

**"15.31.010 Statement of Intent.** The purpose of this chapter is to provide for the appropriate location of communication towers and related accessory facilities to serve the needs of the community. The conditional use procedure set forth in Chapter 15.27 02 and this chapter provides for the review and discretionary approval of communication tower sites considering conditions specific to the location while offering uniform and comprehensive standards for the development of functionally equivalent services. These regulations are designed to assure the managed development of the community's communication infrastructure through a timely and responsible review process."

**SECTION 2.** That Chapter 15.31 "Communication Towers" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 15.31.020 "Applicability", to read as follows:

**"15.31.020 Applicability.** Communication towers exceeding the maximum height allowed in the underlying zoning district to a maximum height of 200 feet are permitted in all zoning districts, subject to approval of a conditional use permit as set forth in Chapter 15.27 02 and the additional minimum standards in this Chapter.

01. The following types of communication towers are subject to the standards and procedures of this Chapter.

- a. UHF, VHF and cable television.
- b. AM, FM, and two-way radio.
- c. Fixed point microwave.
- d. Wireless communications, including but not limited to paging, cellular, enhanced specialized mobile radio (ESMR), and personal communications systems (PCS).

02. An antenna and supporting structure for the following are exempt from the development standards of this Chapter and are allowed in any zoning district, if accessory to a permitted use and in compliance with other applicable regulations of that zoning district.

- a. Amateur radios licensed by the FCC.
- b. Citizens band radios.
- c. Direct broadcast satellite discs.
- d. Conventional home television antennas, including UHF and VHF antennas.

03. Towers for police, fire and emergency communications or other municipal systems are exempt from the development standards of this Chapter.

04. Towers attached to utility poles located in public right-of-way are exempt from the development standards of this Chapter. However, placement of such towers shall be subject to review and approval by the Public Works Department and the appropriate utility.

05. Communications facilities to be co-located onto an existing legally established tower with no increase in height are exempt from the review procedures of this Chapter. However, documentation of the capacity of the structure to support weight or wind load from the additional equipment shall be provided to the Building Division of the Public Works Department prior to issuance of a building permit.

06. Building-attached facilities, either roof mounted antennas or antennas attached to the side of a building are exempt from the standards and conditions of this chapter. These structures shall be subject to review for compliance with all applicable federal, state and local regulations by the Building Division of the Public Works Department, prior to issuance of any local permits. The Community Development Department shall have the authority to approve placement of communication facilities proposed to be mounted on other structures such as water tanks, steeples or other creative locations, if it is determined that the proposed location is consistent with the facilities exempted from the procedures of this Chapter.

07. No tower shall be constructed in a manner which will interfere with emergency communication transmissions of the County. The applicant shall request documentation from the County Sheriff to verify that said tower will not create such interference. Said documentation shall be submitted with the application. Any cost incurred in the process of certifying that the tower, transmitter, receiver or any other communications equipment will not interfere with emergency communication transmissions shall be at the applicant's expense."

**SECTION 3.** That Chapter 15.31 "Communication Towers" of the 2005 Municipal

Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and

reenacting Section 15.31.050 "Standards and conditions for approval", to read as follows:

**"15.31.050 Standards and conditions for approval.** Conditional use permits for the purpose of installing communication towers shall be evaluated based on the following information.

01. ~~The considerations listed in Chapter 15.27.020(2) Powers of the Board of Adjustment for conditional uses~~ Compliance with Chapter 15.02 “Administration and Enforcement” authorizing the Zoning Board of Adjustment to make final decisions on applications for conditional uses and the process as described in that Chapter.

02. The type and purpose of the tower.

03. The height of the proposed tower as measured from the natural undisturbed ground surface below the center of the base of the tower to the tip of the highest antenna or piece of equipment attached.

04. Minimum setbacks from all adjoining property equal to:

a. One hundred percent of the tower height from the base of the tower to any adjoining residential dwelling, whether located upon residentially zoned property or not.

b. Twenty (20) feet from the base of the tower to any adjoining lot which is not zoned for residential use.

c. The Zoning Board of Adjustment may reduce the required setbacks on a finding that such reduction will not adversely affect adjacent properties and is consistent with the purpose and intent of this Chapter.

05. Operational characteristics of the facility including maintenance routines, employee access and security requirements.

06. Landscaping and other buffers proposed to screen the base of the tower from residential or commercial uses, streets, parks or other public property.

07. Other proposed measures to minimize the adverse visual effects on adjacent land including lighting, non-interference with radio and television reception or other mitigating factors.

08. Proximity to other towers and documentation of incompatibility with those towers, attempts to co-located and/or accommodate other providers on the proposed tower.

09. Towers requiring painting or lighting to meet Federal Aviation Administration requirements are permitted in any zoning district.”

**SECTION 4. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 5. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2010  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN City Clerk

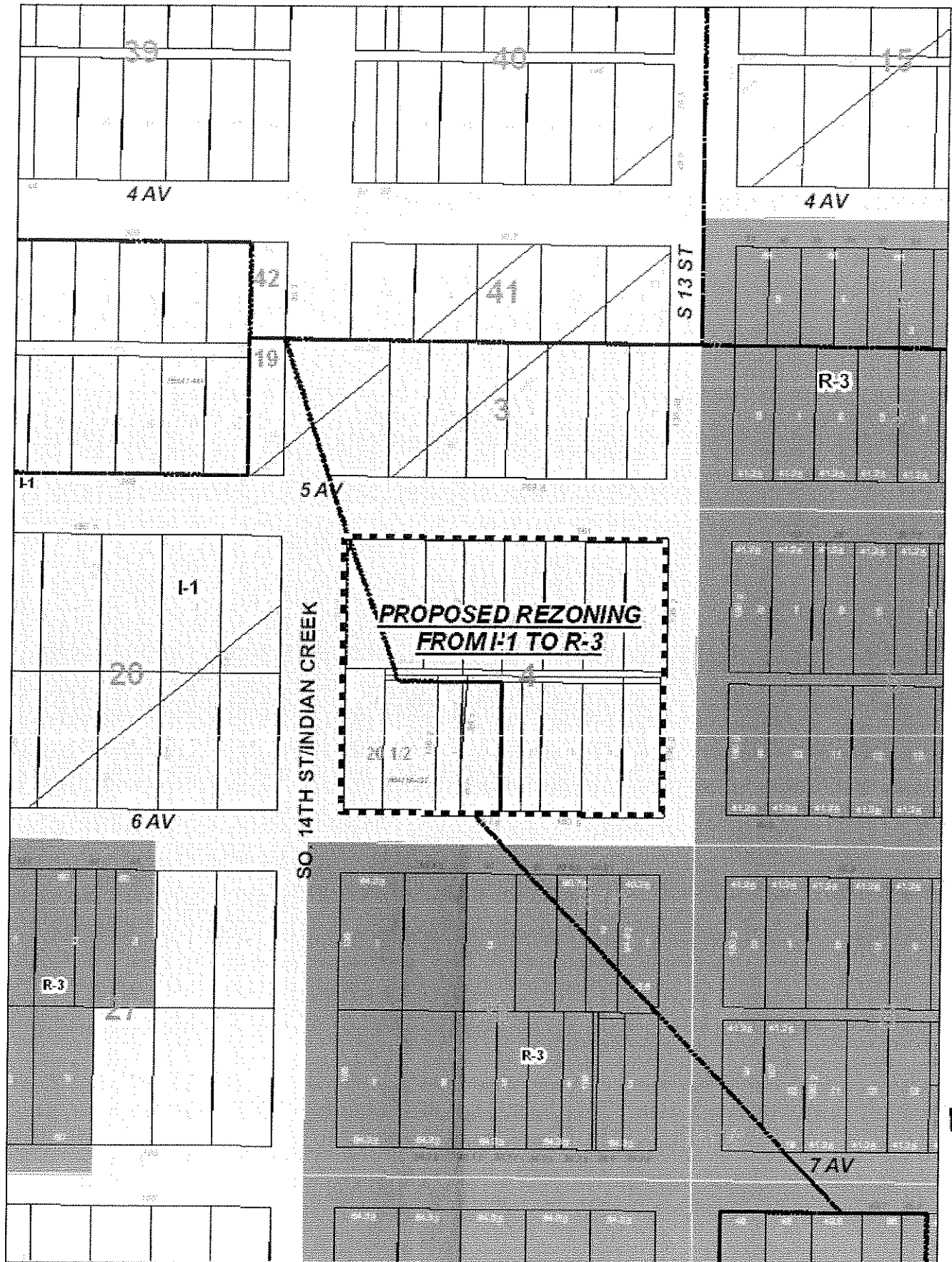
First Consideration: February 22, 2010  
Second Consideration: March 8, 2010  
Public Hearing: \_\_\_\_\_  
Third Consideration: \_\_\_\_\_

Planning Case ZT-10-001

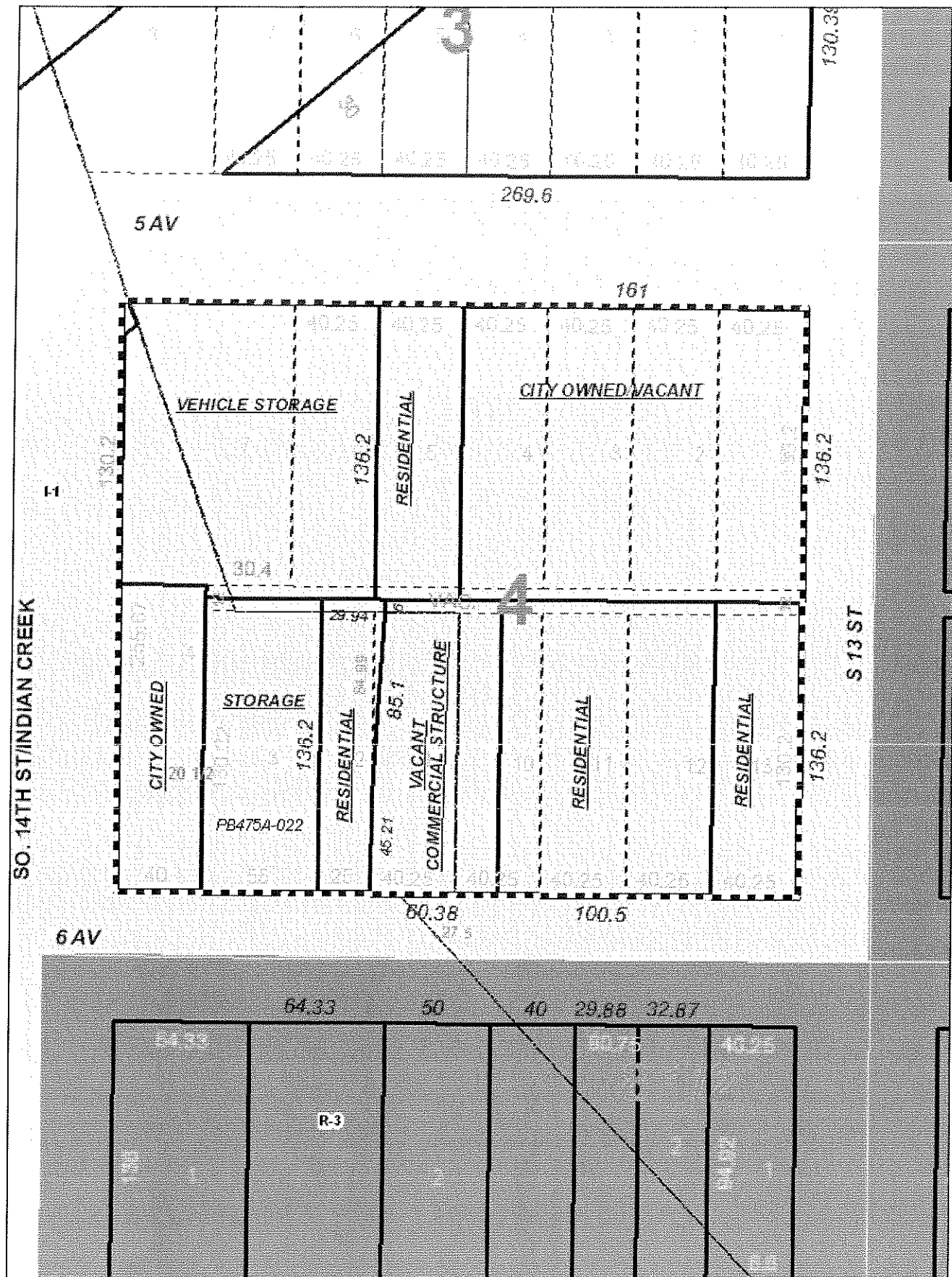


## Council Communication

Department: Community Development Case #ZC-10-002 Applicant: Community Development Department	Ordinance No. <u>6054</u>	City Council: 02/22/2010 Planning Commission: 02/09/2010 First Reading: 02/22/2010 Second Reading: Third Reading:
<p style="text-align: center;"><b>Subject</b></p> <p>Request of the Community Development Department to rezone Block 4, McMahon, Cooper and Jefferis Addition and Auditor's Subdivision of Lots 8 and 9, Block 4, McMahon, Cooper and Jefferis Addition and Block 20 ½, Everett's Addition from I-1/Light Industrial to R-3/Low Density Multi-Family Residential. This block is located between 5<sup>th</sup> and 6<sup>th</sup> Avenues, from South 13<sup>th</sup> Street to South 14<sup>th</sup> Street/Indian Creek as shown on the attached map.</p>		
<p style="text-align: center;"><b>Background</b></p> <p>The City recently acquired four lots located at the southwest corner of 5<sup>th</sup> Avenue and South 13<sup>th</sup> Street. The lots are now vacant but will, in the future, be developed with residential structures. Because the property is currently zoned I-1/Light Industrial, the Community Development Department is requesting rezoning to R-3/Low Density Multi-Family Residential which is an extension of the existing R-3 zoning to the east and south.</p> <p>The entire block is included in the proposed rezoning. Other land uses include four single family structures, two storage lots and a vacant commercial structure. If rezoned, the storage lots and commercial structure will become legal nonconforming uses which can continue subject to the limitations of Section 15.26 Nonconformities of the Council Bluffs Municipal Code (Zoning Ordinance).</p> <p>No adverse comments have been received from any City department or utility.</p> <p>Bruce Kelly, owner of 1324 – 6<sup>th</sup> Avenue, and a representative of Eddie Barnett, owner of 1316 – 6<sup>th</sup> Avenue, contacted staff requesting additional information. Two property owners within 200 feet also requested additional information. No opposition to the proposed rezoning has been received.</p>		
<p style="text-align: center;"><b>Discussion</b></p> <p>In 1928 and 1965, this block was zoned Industrial and Wholesale Manufacturing respectively. It has been in mixed use for many years. The proposed rezoning will allow the City owned lots in the northeast corner of the block to be developed with new residential structures and will downzone four existing residential uses from an industrial classification to a residential classification.</p>		
<p style="text-align: center;"><b>Recommendation</b></p> <p>The Community Development Department recommends rezoning Block 4, McMahon, Cooper and Jefferis Addition and Auditor's Subdivision of Lots 8 and 9, Block 4, McMahon, Cooper and Jefferis Addition and Block 20 ½, Everett's Addition from I-1/Light Industrial to R-3/Low Density Multi-Family Residential.</p>		
<p style="text-align: center;"><b>Public Hearing</b></p> <p>Gayle Malmquist appeared before the Planning Commission in favor of the request. Bruce Kelly, owner of 1324 6<sup>th</sup> Avenue, appeared in opposition.</p>		
<p style="text-align: center;"><b>Planning Commission Recommendation</b></p> <p>The Planning Commission recommends rezoning Block 4, McMahon, Cooper and Jefferis Addition and Auditor's Subdivision of Lots 8 and 9, Block 4, McMahon, Cooper and Jefferis Addition and Block 20 ½, Everett's Addition from I-1/Light Industrial to R-3/Low Density Multi-Family Residential.</p>		
<p>VOTE: AYE 7    NAY 2    ABSTAIN 0    ABSENT 2    Motion: Carried</p>		
<p><b>Attachments:</b> Map showing proposed rezoning area and existing land uses.</p>		
<p><b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department.</p>		



CASE #ZC-10-002



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Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620  
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA

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ORDINANCE NO. 6054

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY GENERALLY LOCATED BETWEEN 5<sup>TH</sup> AND 6<sup>TH</sup> AVENUES, FROM SOUTH 13<sup>TH</sup> STREET TO SOUTH 14<sup>TH</sup> STREET/INDIAN CREEK, FROM I-1/LIGHT INDUSTRIAL TO R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.20 AND 15.10 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises generally located between 5<sup>th</sup> and 6<sup>th</sup> Avenues, from South 13<sup>th</sup> Street to South 14<sup>th</sup> Street/Indian Creek, legally described as follows:

Block 4, McMahon, Cooper and Jefferis Addition and Auditor' Subdivision of Lots 8 and 9, Block 4, McMahon, Cooper and Jefferis Addition and Block 20½, Everett's Addition, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as I-1/Light Industrial to R-3/Low Density Multi-Family Residential, as set forth and defined in Chapters 15.20 and 15.10 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED  
AND  
APPROVED

February 22, 2010

\_\_\_\_\_  
THOMAS P. HANAFAN

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN

\_\_\_\_\_  
City Clerk

FIRST CONSIDERATION: February 22, 2010

SECOND CONSIDERATION: March 8, 2010

PUBLIC HEARING: March 8, 2010

THIRD CONSIDERATION: \_\_\_\_\_

Planning Case No. ZC-10-002

## Council Communication

Department and Applicant: Community Development Case #ZT-10-002	Ordinance No. <u>6055</u>	Planning Commission: 2/09/2010 First Reading <u>2/22/2010</u> Second Reading <u>3/8/2010</u> Third Reading _____
<b>Subject/Title</b>		
Amend Chapter 15.05 – A-2/Parks, Estates and Agricultural District of the Municipal Code (Zoning Ordinance) as follows: 1. Amend §15.05.020 ‘Principal Uses’ by adding new item 12 as follows: ‘Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres.’ 2. Amend §15.05.030 ‘Conditional uses’. Change reference to conditional use procedures from Chapter 15.27 to Chapter 15.02. See Attachment ‘A’. New text is <u>underlined</u> . Text to be removed is <del>struck through</del> .		
<b>Background/Discussion</b>		
<p>The annexation as approved on December 22, 2009, included about 600 acres of property owned and operated by the Council Bluffs Airport Authority as a secondary airport. The Council Bluffs Zoning Ordinance does not address ‘airports’ as a use. The proposed amendment adds ‘secondary airports’ as described above as a principal use in the A-2/Parks, Estates and Agricultural District. The proposed amendment uses the same language as the County.</p> <p>A recommendation to rezone to A-2, the entire recently annexed land will be presented after the required notifications have been sent to the effected and abutting property owners. §15.27.030 ‘Annexed Territory’ states that ‘Annexed land shall retain the same zoning classification after annexation that it had prior to annexation. Those regulations shall remain in place until the City completes the legislative action to rezone the property.’</p> <p>The authority and process for actions by the Zoning Board of Adjustment, including approval of Conditional Uses were moved from Chapter 15.27 to Chapter 15.02 in October of 2008. The proposed amendment to §15.05.030 reflects that change.</p> <p>Attachment ‘A’ shows the proposed amendments to Chapter 15.05 – A-2/Parks, Estates and Agricultural District in the Municipal Code (Zoning Ordinance) as discussed above.</p>		
<b>Recommendation</b>		
The Community Development Department recommends amending Chapter 15.05 A-2/Parks, Estates and Agricultural District of the Municipal Code (Zoning Ordinance) as shown in Attachment ‘A’.		
<b>Public Hearing</b>		
Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
<b>Planning Commission Recommendation</b>		
The Planning Commission recommends amending Chapter 15.05 A-2/Parks, Estates and Agricultural District of the Municipal Code (Zoning Ordinance) to add ‘Secondary Airports’ as a principal use and to change an internal reference as shown on Attachment ‘A’.		
VOTE: AYE 9    NAY 0    ABSTAIN 0    ABSENT 2    Motion: Carried		
Attachment ‘A’		
Prepared by: Gayle M. Malmquist, Development Services Coordinator		

Chapter 15.05

A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT

Sections:

- 15.05.010 Statement of intent
- 15.05.020 Principal uses
- 15.05.030 Conditional uses
- 15.05.040 Accessory uses
- 15.05.050 Site development regulations
- 15.05.060 Additional regulations
- 15.05.070 Signs

**15.05.010 Statement of intent.** This district is intended to preserve lands best suited for agricultural, recreational, and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

**15.05.020 Principal uses.** The following principal uses shall be permitted outright in an A-2 district:

- 01. Animal production
- 02. Cemetery
- 03. Dwelling, single family detached
- 04. Family home
- 05. Government maintenance facility
- 06. Horticulture and crop production
- 07. Local utility services
- 08. Park and recreation services
- 09. Public campground
- 10. Public safety services
- 11. Religious assembly
- 12. Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres

(Ord. #5523, Sec. 1,10/23/00)

**15.05.030 Conditional uses.** The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.27 02:

- 01. Agricultural sales and service
- 02. Commercial recreation (outdoor)
- 03. Day care services

- 04. Extraction activity
  - 05. Funeral service in conjunction with a cemetery
  - 06. Outdoor firing range
  - 07. Private campground
  - 08. Sanitary landfill
  - 09. Rubble dump
- (Ord. #5523, Sec. 2, 10/23/00)

**15.05.040 Accessory uses.** Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 District only, an accessory structure may exceed the ground floor coverage of the principal structure.

**15.05.050 Site development regulations.**

Minimum Lot Size

Lot area: 3 acres  
 Lot width: 150 feet  
 Lot depth: 200 feet

<u>Minimum Setbacks</u>	<u>Principal Structure</u>	<u>Accessory Structure</u>
Front yard	50 feet	greater of 50 feet or existing front setback line of principal structure
Street side yard:	20 feet	20 feet
Side yard:	10 feet or 10% of lot width whichever is greater	10 feet or 10% of lot width or whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage: <u>- all structures</u>	10% maximum	

**15.05.060 Additional regulations.**

- 01. Reserved

**15.05.070 Signs.** Signage in this district shall comply with Chapter 15.33 "Signs". (Ord. 5285, 8/26/96)



ORDINANCE NO. 6055

AN ORDINANCE to amend Chapter 15.05 “A-2/Parks, Estates and Agricultural District” of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Sections 15.05.020 “Principal uses” and 15.05.030 “Conditional uses”.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

**SECTION 1.** That Chapter 15.05 “A-2/Parks, Estates and Agricultural District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 15.05.020 “Principal uses”, to read as follows:

**“15.05.020 Principal uses.** The following principal uses shall be permitted outright in an A-2 district:

01. Animal production.
02. Cemetery.
03. Dwelling, single family detached.
04. Family home.
05. Government maintenance facility.
06. Horticulture and crop production.
07. Local utility services.
08. Park and recreation services.
09. Public campground.
10. Public safety services.
11. Religious assembly.
12. Secondary airports and private light plane landing strips, when laid out

and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres.”

**SECTION 2.** That Chapter 15.05 “A-2/Parks, Estates and Agricultural District” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 15.05.030 “Conditional uses”, to read as follows:

**“15.05.030 Conditional uses.** The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter ~~15.27~~ 02:

01. Agricultural sales and service.
02. Commercial recreation (outdoor).

- 03. Day care services.
- 04. Extraction activity.
- 05. Funeral service in conjunction with a cemetery.
- 06. Outdoor firing range.
- 07. Private campground.
- 08. Sanitary landfill.
- 09. Rubble dump.”

**SECTION 3. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5523, Sections 1 and 2 (2000).

**SECTION 4. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2010  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN City Clerk

First Consideration: February 22, 2010  
Second Consideration: March 8, 2010  
Public Hearing: \_\_\_\_\_  
Third Consideration: \_\_\_\_\_

Planning Case ZT-10-002

**Council Communication**  
**February 22, 2010 City Council Meeting**

Department: Community Development  Case/Project Nos.: URV-99-002 & URV 02-001	Ordinance Nos.: <u>6056</u>  Resolution Nos.:	First Reading: <u>2/22/2010</u> Second Reading: <u>3/8/2010</u> Public Hearing: <u>3/8/2010</u> Third Reading:
<b>Subject/Title</b>		
1) Repeal of the 23 <sup>rd</sup> Avenue Urban Revitalization Plan, Area and Ordinance 2) Repeal of the Valley View Urban Revitalization Plan, Area and Ordinance		
<b>Background/Discussion</b>		
<u>Background</u> Chapter 404 of the Iowa Code authorizes a City to designate an area as an urban revitalization area. Improvements to qualified real estate within designated areas may then be eligible to receive a total or partial exemption from property taxes for a specified number of years. The exemptions are intended to stimulate private investment by reducing the tax increase that would normally result from making improvements to real estate property. Urban revitalization tax abatement incentives apply to commercial development, industrial development and multi-family residential development (12 units or more). Both new construction on vacant or unimproved land and the rehabilitation of existing structures are eligible for tax abatement.  The City of Council Bluffs currently has four urban revitalization areas. Two of these areas have expired and the projects have been completed. As a result, these two areas should now be repealed.  <u>Discussion</u> 23 <sup>rd</sup> Avenue – The 23 <sup>rd</sup> Avenue Urban Revitalization Area was originally adopted on February 25, 2002 by Resolution 02-61 and Ordinance 5684. As a result of the creation of this urban revitalization area, AGT Enterprises, Inc. constructed the Star Cinema. The project is now complete.  Valley View – The Valley View Urban Revitalization Area was originally adopted on November 22, 1999 by Resolution 99-293 and Ordinance 5478. This urban revitalization area was amended on December 16, 2002 by Resolution 02-345 to extend the term of the area. As a result of the creation of this urban revitalization area, The Foundation for Affordable Housing constructed the Valley View Estates Apartments. This project added 258 multi-family units to the City's multi-family housing stock and is now complete.		
<b>Staff Recommendation</b>		
The Community Development Department recommends repealing the 23 <sup>rd</sup> Avenue Urban Revitalization Plan and Area and the Valley View Urban Revitalization Plan and Area including the corresponding ordinances, effective March 15, 2010.		
<b>Attachments</b>		
Resolutions and Ordinances to Repeal		

**ORDINANCE NO. 6056**

**AN ORDINANCE TO REPEAL ORDINANCE NO. 5478 WHICH ESTABLISHED THE VALLEY VIEW URBAN REVITALIZATION AREA WITHIN THE CITY OF COUNCIL BLUFFS.**

**WHEREAS,** on November 22, 1999, Ordinance No. 5478 was passed by the City Council establishing the Valley View Urban Revitalization Area; and

**WHEREAS,** the term of the Valley View Urban Revitalization Area expired on December 31, 2002; and

**WHEREAS,** the project is complete and there is no longer a need for the Valley View Urban Revitalization Plan and Area; and

**WHEREAS,** pursuant to Section 404.7 of the Code of Iowa, and after study and consideration, it is the opinion of this City Council that Ordinance No. 5478, which established the Valley View Urban Revitalization Area, should be repealed, effective March 15, 2010.

**BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That Ordinance No. 5478 passed and approved on November 22, 1999 is hereby repealed, effective March 15, 2010.

APPROVED  
AND  
ADOPTED \_\_\_\_\_, 2010

\_\_\_\_\_  
Thomas P. Hanafan

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden

\_\_\_\_\_  
City Clerk

**Council Communication**  
**February 22, 2010 City Council Meeting**

Department: Community Development  Case/Project Nos.: URV-99-002 & URV 02-001	Ordinance Nos.:  Resolution Nos.: 10-	First Reading: 3-8-10 Second Reading: N/A Third Reading: N/A Public Hearing: 3-8-10
<b>Subject/Title</b>		
1) Repeal of the 23 <sup>rd</sup> Avenue Urban Revitalization Plan, Area and Ordinance 2) Repeal of the Valley View Urban Revitalization Plan, Area and Ordinance		
<b>Background/Discussion</b>		
<u>Background</u> Chapter 404 of the Iowa Code authorizes a City to designate an area as an urban revitalization area. Improvements to qualified real estate within designated areas may then be eligible to receive a total or partial exemption from property taxes for a specified number of years. The exemptions are intended to stimulate private investment by reducing the tax increase that would normally result from making improvements to real estate property. Urban revitalization tax abatement incentives apply to commercial development, industrial development and multi-family residential development (12 units or more). Both new construction on vacant or unimproved land and the rehabilitation of existing structures are eligible for tax abatement.  The City of Council Bluffs currently has four urban revitalization areas. Two of these areas have expired and the projects have been completed. As a result, these two areas should now be repealed.		
<u>Discussion</u> 23 <sup>rd</sup> Avenue – The 23 <sup>rd</sup> Avenue Urban Revitalization Area was originally adopted on February 25, 2002 by Resolution 02-61 and Ordinance 5684. As a result of the creation of this urban revitalization area, AGT Enterprises, Inc. constructed the Star Cinema. The project is now complete.  Valley View – The Valley View Urban Revitalization Area was originally adopted on November 22, 1999 by Resolution 99-293 and Ordinance 5478. This urban revitalization area was amended on December 16, 2002 by Resolution 02-345 to extend the term of the area. As a result of the creation of this urban revitalization area, The Foundation for Affordable Housing constructed the Valley View Estates Apartments. This project added 258 multi-family units to the City's multi-family housing stock and is now complete.		
<b>Staff Recommendation</b>		
The Community Development Department recommends repealing the 23 <sup>rd</sup> Avenue Urban Revitalization Plan and Area and the Valley View Urban Revitalization Plan and Area including the corresponding ordinances, effective March 15, 2010.		
<b>Attachments</b>		
Resolutions and Ordinances to Repeal		

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REPEAL ORDINANCE NO. 5684 WHICH ESTABLISHED THE 23<sup>RD</sup> AVENUE URBAN REVITALIZATION AREA WITHIN THE CITY OF COUNCIL BLUFFS.**

**WHEREAS,** on March 11, 2002, Ordinance No. 5684 was passed by the City Council establishing the 23<sup>rd</sup> Avenue Urban Revitalization Area; and

**WHEREAS,** the term of the 23<sup>rd</sup> Avenue Urban Revitalization Area expired on December 31, 2004; and

**WHEREAS,** the project is complete and there is no longer a need for the 23<sup>rd</sup> Avenue Urban Revitalization Plan and Area; and

**WHEREAS,** pursuant to Section 404.7 of the Code of Iowa, and after study and consideration, it is the opinion of this City Council that Ordinance No. 5684, which established the 23<sup>rd</sup> Avenue Urban Revitalization Area, should be repealed, effective March 15, 2010.

**BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That Ordinance No. 5684 passed and approved on March 11, 2002 is hereby repealed, effective March 15, 2010.

APPROVED  
AND  
ADOPTED \_\_\_\_\_, 2010

\_\_\_\_\_  
Thomas P. Hanafan

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden

\_\_\_\_\_  
City Clerk

### Council Communication

Department: Public Works Division: Building Case/Project No.	Ordinance No. <u>6047</u>	First Reading <u>1/25/2010</u> Second Reading <u>2/8/2010</u> Third Reading <u>2/22/2010</u>
Subject/Title		
<b>AN ORDINANCE</b> to amend Title 17 entitled "Housing" of the 2005 Municipal Code of Council Bluffs, Iowa, by partially amending Section 17.01.010 entitled "Definitions" by amending Subsection #28 entitled "Rental Property" to be codified as such.		
Background/Discussion		
This is proposed to provide for better clarification of what is "rental property".		
Amendments		
Amending Section 17.01.010 entitled "Definitions" of Title 17 entitled "Housing" by amending Subsection #28 entitled "Rental Property".		
Recommendation		
The Public Works Director and the Building Official recommend that the City Council favorably consider this proposed ordinance and pass it into law.		

\_\_\_\_\_  
Public Works Director's Signature

\_\_\_\_\_  
Mayor's Signature

ORDINANCE # 6047

**AN ORDINANCE** to amend Title 17 entitled “Housing” of the 2005 Municipal Code of Council Bluffs, Iowa, by partially amending Section 17.01.010 entitled “Definitions” by amending Subsection #28 entitled “Rental Property” to be codified as such.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

**SECTION 1. AMENDMENT.**

That Title 17 entitled “Housing” of the 2005 Municipal Code of Council Bluffs, Iowa, is hereby amended by partially amending Section 17.01.010 entitled “Definitions” by amending Subsection #28 entitled “Rental Property” to be codified and to read as follows:

**Section 17.01.010 – Definitions.** (in part)

**Subsection #28 – “Rental Property”** means any dwelling unit, and/or rooming unit which is occupied but not occupied by the owner of record as known by the Pottawattamie County Recorder.

**SECTION 2. REPEALER.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.**

If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 4. EFFECTIVE DATE.**

This ordinance shall be in full force and in effect from and after its final passage and published on (02-26-2010) as by law provided.

PASSED  
AND  
APPROVED: February 22, 2010

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

Attest: \_\_\_\_\_  
Marcia L. Worden, City Clerk

First Consideration: January 11, 2010  
Second Consideration: January 25, 2010  
Third Consideration: February 22, 2010



## Council Communication

Department: Parks, Recreation & Public Property Case/Project No.	Ordinance No. <u>6049</u>	First Reading <u>1/25/2010</u> Second Reading <u>2/8/2010</u> Third Reading <u>2/22/2010</u>
<p>An ordinance to amend Chapter 2.08 "Schedule of Fees" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 2.08.070 "Parks and Recreation Fees and Charges" increasing fees based on competitive analysis, improvements to facilities, and to off-set increased costs to the City.</p>		
<b>Background/Discussion</b>		
<p>Over the past few months, the Department of Parks, Recreation and Public Property has completed an analysis of all fees charged for services provided by the Department. A detailed chart has been prepared illustrating each current fee, the date last increased, any proposed new fee, justification for the increase and the additional funds estimated to be raised by the increase. Where increases were considered, comparative reviews of similar offerings were evaluated.</p> <p>This detailed analysis was discussed with the Parks, Recreation and Public Property Commission during its January meeting. This documentation has also been provided to Council by the Parks Department for review in evaluating the increases requested.</p>		
<b>Recommendation</b>		
<p>At the January 12, 2010 Parks, Recreation and Public Property Commission meeting, the Commissioners recommended that the City Council concur with the proposed recreation and golf fee increases. I recommend the City Council approve the Ordinance approving the specific increases to the Department's fees and charges.</p>		

\_\_\_\_\_  
Larry N. Foster, Director

\_\_\_\_\_  
Mayor Signature

ORDINANCE NO. 6049

AN ORDINANCE to amend Chapter 2.08 "Schedule of Fees" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 2.08.070 "Parks and Recreation Fees and Charges" increasing fees based on competitive analysis, improvements to facilities, and to off-set increased costs to the City.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

**SECTION 1.** That Chapter 2.08 "Schedule of Fees" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 2.08.070 "Parks and Recreation Fees and Charges" and enacting a new section to be codified the same, to read as follows:

**2.08.070 Parks and Recreation Fees and Charges.**

**Dodge Riverside Golf Course (All fees include tax)**

**Weekday Rates (Per Person)**

18 Holes w/Cart	31.00
18 Holes Walking	21.00
9 Holes w/Cart	22.00
9 Holes Walking	14.00
18 Holes w/Cart (Senior)	21.00
18 Holes Walking (Senior)	14.00
9 Holes w/Cart (Senior)	17.00
9 Holes Walking (Senior)	12.00
18 Holes Walking (Junior)	12.00
9 Holes Walking (Junior)	8.00
9 Holes w/Cart (League)	22.00
9 Holes Walking (League)	14.00
18 Holes w/Cart (Outing) (Merchandise fee)	29.00

9 Holes w/Cart (Outing) (Merchandise fee)	21.00
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**Weekend Rates (Per Person)**

18 Holes w/Cart	37.00
18 Holes Walking	26.00

9 Holes w/Cart	24.00
9 Holes Walking	16.00
18 Holes w/Cart (Outing) (Merchandise fee)	35.00

9 Holes w/Cart (Outing) (Merchandise fee)	25.00
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- Seniors are considered to be 60 years of age or older.
- Juniors are considered to be 17 years of age or younger.
- Carts are required for all outings
- Holiday rates are the same as weekend rates
- Senior and Junior rates are not available on weekends or holidays

\*Special rates may be offered based upon weather, course conditions, or time of year. Examples include, but are not limited to Fall rates, afternoon rates, twilight rates, and are subject to Parks and Recreation Director approval.

Published outing fee will be \$31.00 per person, including cart, for outings with 32 or more on weekends, and \$27.00 on weekdays. Outings less than 32 will be the normal green fee rate. The published outing fee will be negotiable based upon size, time of day, time of year, or day of week, subject to Parks and Recreation Director approval.

**Westwood Park Golf Course (All fees include tax)**

**Weekday and Weekend Rates (Per Person)**

18 Holes Walking	11.00
9 Holes Walking	8.00

18 Holes Walking (Senior)	9.00
9 Holes Walking (Senior)	6.00

18 Holes Walking (Junior)	9.00
9 Holes Walking (Junior)	6.00

- Seniors are considered to be 60 years of age or older.
- Juniors are considered to be 17 years of age or younger.
- There are no motorized carts at Westwood

- Senior and Junior rates are available on weekends or holidays

### **Dodge Park/Westwood - Summer Junior Pass**

	<u>1 child</u>	<u>2 children</u>	<u>3 or more</u>
Westwood Golf Course Only	60.00	100.00	125.00
Dodge & Westwood	125.00	190.00	225.00

Juniors are considered to be 17 years of age or under or still in High School

Passes good from June 1 – August 31

Passes not good on weekends or holidays and only one round per day per course

### **Camp Adventure** (Weekly Fees – includes tax)

One Child in Family	115.00
Two Children in Family	210.00
Each Additional after Two	95.00
One Child – Three Day Week	90.00
Two Children – Three Day	160.00
Each Additional – Three Day	70.00

### **Outdoor Water Park Fees (All fees include tax)**

#### **Pirate Cove Water Park**

Admission without slide	4.00
Admission with slide	5.00
10 Swim Punch Card (slide)	40.00
10 Swim Punch Card (w/o slide)	30.00
Swim-under-the-lights (slide)	5.00
Swim-under-the-lights (w/o slide)	4.00
Season Pass (five or less)	175.00
Additional family member	35.00
Family night – per person	2.00
Swim Lessons	25.00

#### **Katelman Water Park**

Admission	4.00
10 Swim Punch Card	30.00
Swim-under-the-lights	4.00
Season Pass (five or less)	175.00
Additional family member	35.00
Family night – per person	2.00
Swim Lessons	25.00

### **Municipal Indoor Swimming Pool/YMCA**

Swim Lessons (per session)	Member	Non-Member
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Summer – 5 week	22.00	38.00
Summer – 6 week	26.00	45.00
Day classes	34.00	61.00

#### Swim Passes 3 Months

Adult	75.00
Senior adult	55.00
Family	140.00
Day Pass	
Youth	3.00
Adult	7.00
Family	10.00

#### **Adult Softball (Team Fee):**

Single Game League	300.00
Fall League	165.00

#### **Instructional Youth Baseball and Softball (Individual Fee):**

Blast Ball, Tee Ball, Buddy Baseball, Co-Ed and Girls Infield Machine Pitch	30.00
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#### **Youth Fast Pitch and Baseball (Team Fee):**

Junior Fast Pitch	30.00/player
Senior Fast Pitch	30.00/player
10 and Under	30.00/player
12 and Under	30.00/player
14 and Under	30.00/player

#### **Non-CBRC Field Rental Fees**

Baseball and softball fields	50.00/field/day (no team fees)
Lights	30.00/day

#### **Council Bluffs Recreation Complex Rental Fees**

Baseball/Softball	
Fields #1-6, 10	70.00/day
Fields #7, 8, 9	75.00/day

#### **Adult use (out of high school)**

Baseball/Softball Fields	80.00/day
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#### **Baseball/Softball Fields #1-10**

Single game, non-league, non-repeating use only	25.00
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#### Baseball/Softball – Lights

Fields 1-4	30.00/day
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Fields 5-6	20.00/day
Fields 7-10	60.00/day
Tournament Fee (6+ fields/day)	
Monday-Thursday	320.00/day
Friday-Sunday	650.00/day
Baseball/Softball Fee for Premium Usage Dates (CWS dates)	18% surcharge added to regular rental fee
Soccer Fields	
U12 13/14	70.00/field/day
Adult Use soccer fields	80.00/field/day
U10	45.00/field/day
U8	35.00/field/day
U6	25.00/field/day
Soccer Team Fee	15.00/team
Tournament Soccer Fee	500.00
Field Reconfiguration Fee	500.00
CBYSA Game Fee	10.00/game
<b><u>Practice Permits</u></b>	
For parks and recreation league teams, fees are:	
½ Soccer Field, Baseball Field, Tennis Court	4.00
Entire soccer field	6.00
For non-Parks and Recreation league teams, fees are:	
½ Soccer Field, Baseball Field, Tennis Court	7.00
Entire soccer field	14.00
<b><u>Tennis Tournaments</u></b>	
Adult singles	20.00
Adult doubles	24.00
Junior singles	15.00
Junior doubles	20.00

**Jr. Tennis Lessons**

	<u>1 Child</u>	<u>2 or more children in family</u>
1 session (5 weeks)	55.00	49.00/child
2 sessions (10 weeks)	98.00	45.00/child/session

**Adult Indoor Volleyball**

180.00

**Adult Sand Volleyball**

65.00/team

**Youth Sand Volleyball**

32.00/person

**Bayliss Park Rental Fees:**

Park (non-performance area) with or without electricity	50.00/2hours
Performance area	100.00/2 hours
Performance area with sound system	150.00/2 hours
Deposit for performance area rental (includes microphone)	100.00

\*In addition to these fees, for some events the Director of Parks and Recreation shall collect a security deposit along with the permit fees to cover any negative impact an event may have on the park or its improvements. Proof of insurance may be required if deemed appropriate by the Director.

**SECTION 3. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5969, Section 2 (2008).

**SECTION 4. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND  
APPROVED

February 22, 2010

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:

\_\_\_\_\_  
MARCIA L. WORDEN City Clerk

First Consideration: January 25, 2010  
Second Consideration: February 8, 2010  
Public Hearing: None required  
Third Consideration: February 22, 2010



## COUNCIL COMMUNICATION

Department: Public Works Ordinance No. 6050 First Reading January 25, 2010  
Case/Project No.: \_\_\_\_\_ Resolution No. \_\_\_\_\_  
Applicant: Greg Reeder, Public Works Director

### SUBJECT/TITLE

An ordinance to amend Chapter 9.34.030 "Emergency Snow Routes".

### BACKGROUND/DISCUSSION

- During a recent review of the City's Emergency Snow Routes, several errors were noted between actual signage on the streets and those routes designated in Chapter 9.32.030 of the Municipal Code.
- The following changes are recommended:

#### NAME CHANGE

<u>Street Name</u>	<u>From</u>	<u>To</u>
Twin City Drive	<i>Veterans Memorial Hwy</i>	<i>Richard Downing Avenue</i>
<i>Richard Downing Avenue</i>	Twin City Drive	South 24th Street
South 24th Street	<i>Veterans Memorial Hwy</i>	23rd Avenue
South Expressway	<i>Veterans Memorial Hwy</i>	I-80/ I-29
2nd Avenue	South 8th Street	<i>Dodge Riverside Drive</i>
<i>Dodge Riverside Drive</i>	2nd Avenue	<i>I-480</i>
North 40th Street	<i>I-480</i>	Avenue G
Marshall Avenue	Delong Avenue	<i>Morgan Street</i>
Harrison Street	Kanesville Blvd.	<i>Morgan Street</i>
West Broadway	Kanesville Blvd.	<i>South 1st Street</i>
<i>East Broadway</i>	<i>South 1st Street</i>	<i>Kanesville Blvd.</i>
<i>East Graham</i>	<i>South 1st Street</i>	<i>Fairmont Avenue</i>
<i>West Graham</i>	<i>Fairmont Avenue</i>	<i>High Street</i>
<i>East Pierce</i>	<i>South 1st Street</i>	<i>McPherson Avenue</i>
<i>West Pierce</i>	<i>Bluff Street</i>	<i>South 1st Street</i>
Madison Avenue	South 1st Street	Valley View Drive
Woodbury Avenue	<i>Harry Langdon Blvd.</i>	Madison Avenue

#### CHANGE ROUTE

<u>Street Name</u>	<u>From</u>	<u>To</u>
Avenue A	North 16th Street	<i>North 37th Street</i>
Avenue B	North 8th Street	<i>North 37th Street</i>
Navajo Street	Comanche Street	<i>East Manawa Drive</i>

**DELETE ROUTE**

<u>Street Name</u>	<u>From</u>	<u>To</u>
South 7th Street	16th Avenue	28th Avenue
28th Avenue	South 7th Street	South 11th Street
South 11th Street	16th Avenue	Hwy. 92

**ADD**

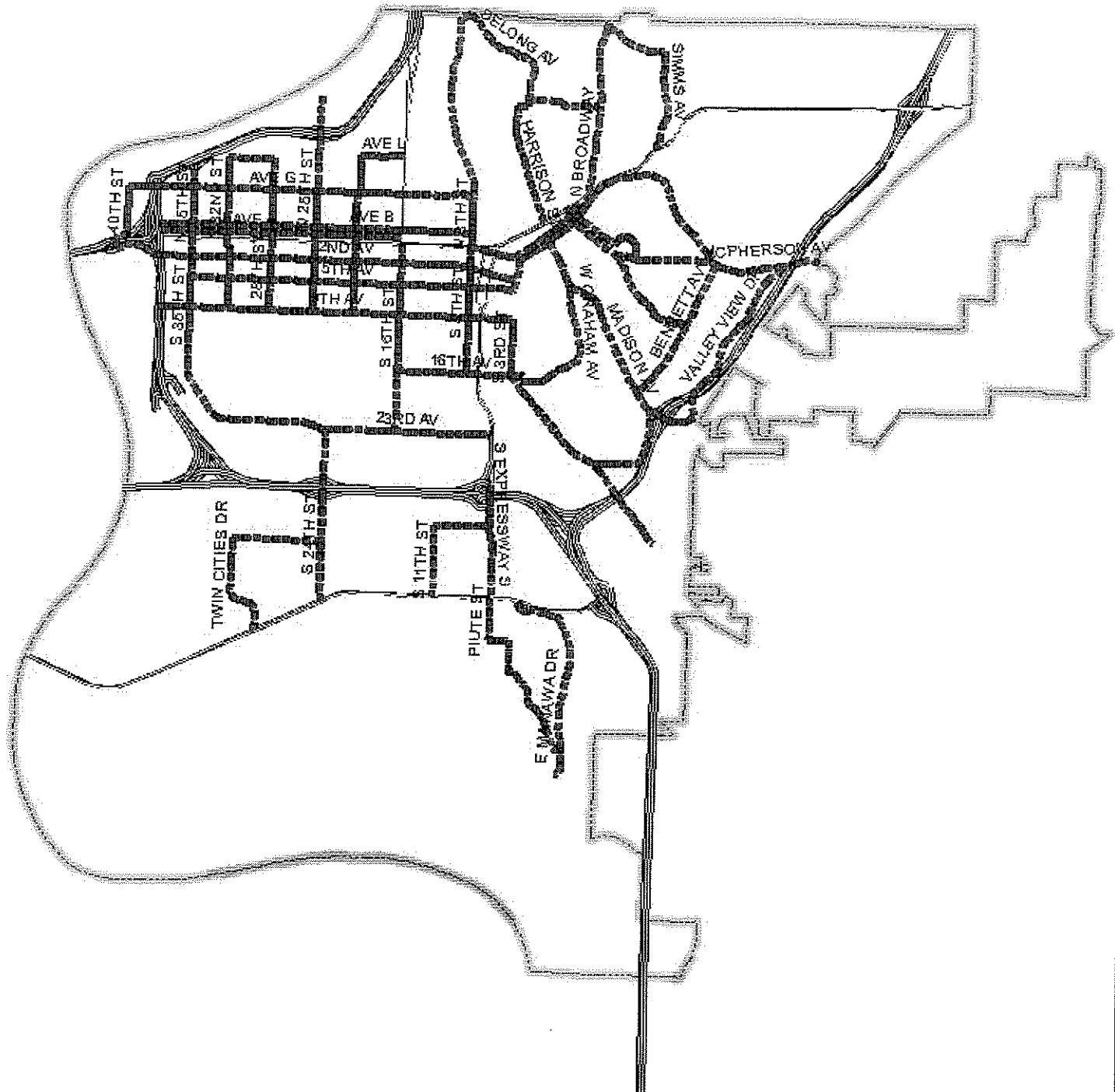
<u>Street Name</u>	<u>From</u>	<u>To</u>
Frank Street	Kanesvilles Blvd.	Elm Street
Elm Street	Frank Street	Morningside Avenue
Morningside Avenue	Elm Street	Gleason Avenue
Lincoln Avenue	East Pierce Street	Gleason Avenue
32nd Avenue	South Expressway	South 11th Street
South 11th Street	32nd Avenue	Veterans memorial Hwy
East Manawa Drive	Veterans Memorial Hwy	South Shore Drive

***Bold Italic Font Indicates Change***

**RECOMMENDATION**

Approval of this ordinance.

## EMERGENCY SNOW ROUTES



## **ORDINANCE NO. 6050**

**AN ORDINANCE** to amend Chapter 9.34.030 “Emergency Snow Routes” of the Municipal Code.

### **9.34.030      Emergency Snow Routes Established**

- a) The following are hereby designated as the emergency snow routes:

STREET	FROM	TO
2nd Avenue	South 8th Street	Dodge Riverside Drive
5th Avenue	Bluff Street	South 35th Street
9th Avenue	South 3rd Street	I-29
16th Avenue	High Street	South 16th Street
23rd Avenue	South Expressway	South 35th Street
32nd Avenue	South Expressway	South 11th Street
Avenue A	North 16th Street	North 37 <sup>th</sup> Street
Avenue B	North 8th Street	North 37 <sup>th</sup> Street
Avenue G	North 8th Street	North 40th Street
Avenue K	North 28th Street	North 32nd Street
Avenue L	North 16th Street	North 21st Street
Bennett Avenue	Madison Avenue	McPherson Avenue
Bluff Street	5th Avenue	West Pierce
East Broadway	South 1st Street	Kanesville Blvd.
West Broadway	Kanesville Blvd.	South 1st Street
Comanche	Piute	Navajo
DeLong Avenue	North 8th Street	Marshall Avenue
Dodge Riverside Drive	2nd Avenue	I-480
East Manawa Drive	Veterans Memorial Hwy	South Shore Drive
Elliot Street	Marshall Avenue	North Broadway
Elm Street	Frank Street	Morningside Avenue
Frank Street	Kanesville Blvd.	Elm St.
Franklin Avenue	Lincoln Avenue	Bennett Avenue
Gleason Avenue	McPherson Avenue	Lincoln Avenue
East Graham	South 1st Street	Fairmont Avenue
West Graham	Fairmont Avenue	High Street

Harrison Street	Kanesville Blvd.	Morgan Street
Harry Langdon Blvd.	16th Avenue	Highway 92
High Street	West Graham	16th Avenue
Lincoln Avenue	East Pierce	Gleason Avenue
Madison Avenue	South 1st Street	Valley View
Marshall Avenue	DeLong Avenue	Morgan Street
McPherson Avenue	East Pierce	City Limits
Morgan Street	Marshall Avenue	Harrison Street
Morningside Avenue	Elm Street	Gleason Avenue
Navajo	Comanche	East Manawa Drive
North 21st Street	West Broadway	Avenue L
North 25th Street	West Broadway	Water Works
North 28th Street	West Broadway	Avenue K
North 32nd Street	West Broadway	Avenue K
North 35th Street	West Broadway	I-29
North 40th Street	I-480	Avenue G
North 8th Street	West Broadway	DeLong Avenue
North Broadway	Kanesville Blvd.	North city limits
East Pierce	South 1st Street	McPherson Avenue
West Pierce	Bluff Street	South 1st Street
Piute	Veterans Memorial Hwy	Comanche
Richard Downing Blvd.	Twin City Drive	South 24th Street
Simms Avenue	Spencer Avenue	Kanesville Blvd.
South 3rd Street	9th Avenue	16th Avenue
South 8th Street	West Broadway	16th Avenue
South 11th Street	32nd Avenue	Veterans Memorial Hwy
South 16th Street	23rd Avenue	West Broadway
South 1st Street	Broadway	Madison Avenue
South 21st Street	9th Avenue	West Broadway
South 24th Street	Veterans Memorial Hwy	23rd Avenue
South 25th Street	9th Avenue	West Broadway
South 28th Street	9th Avenue	West Broadway
South 32nd Street	9th Avenue	West Broadway
South 35th Street	23rd Avenue	West Broadway
South Expressway	Veterans Memorial Hwy	I-80/I-29
Spencer Avenue	North Broadway	Simms Avenue

Twin City Drive	Veterans Memorial Hwy	Richard Downing Blvd.
Valley View	Madison Avenue	McPherson Avenue
Willow Avenue	Bluff Street	South 8th Street
Woodbury Avenue	Harry Langdon Blvd.	Madison Avenue

b). The Mayor is authorized empowered and directed to cause signs to be erected on the emergency snow routes to designate such streets as "Emergency Snow Routes". Upon declaration of such emergency situation by the mayor or his/her designated representative, as hereinbefore provided, parking will be prohibited on these streets for the period of such emergency. (Ord. 5029 § 2 (part), 1991).

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

ADOPTED  
AND  
APPROVED \_\_\_\_\_, 2010

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden, City Clerk

First Consideration      1/25/2010  
Second Consideration    2/8/2010  
Third Consideration

**Council Communication**  
**February 22, 2010 City Council Meeting**

Department: Community Development  Case/Project Nos.: URV-99-002 & URV 02-001	Ordinance Nos.:  Resolution Nos.: <u>10-62</u>	First Reading: 2-22-10 Second Reading: N/A Third Reading: N/A Public Hearing: 3-8-10
<b>Subject/Title</b>		
1) Repeal of the 23 <sup>rd</sup> Avenue Urban Revitalization Plan, Area and Ordinance 2) Repeal of the Valley View Urban Revitalization Plan, Area and Ordinance		
<b>Background/Discussion</b>		
<u>Background</u> Chapter 404 of the Iowa Code authorizes a City to designate an area as an urban revitalization area. Improvements to qualified real estate within designated areas may then be eligible to receive a total or partial exemption from property taxes for a specified number of years. The exemptions are intended to stimulate private investment by reducing the tax increase that would normally result from making improvements to real estate property. Urban revitalization tax abatement incentives apply to commercial development, industrial development and multi-family residential development (12 units or more). Both new construction on vacant or unimproved land and the rehabilitation of existing structures are eligible for tax abatement.  The City of Council Bluffs currently has four urban revitalization areas. Two of these areas have expired and the projects have been completed. As a result, these two areas should now be repealed.		
<u>Discussion</u> 23 <sup>rd</sup> Avenue – The 23 <sup>rd</sup> Avenue Urban Revitalization Area was originally adopted on February 25, 2002 by Resolution 02-61 and Ordinance 5684. As a result of the creation of this urban revitalization area, AGT Enterprises, Inc. constructed the Star Cinema. The project is now complete.  Valley View – The Valley View Urban Revitalization Area was originally adopted on November 22, 1999 by Resolution 99-293 and Ordinance 5478. This urban revitalization area was amended on December 16, 2002 by Resolution 02-345 to extend the term of the area. As a result of the creation of this urban revitalization area, The Foundation for Affordable Housing constructed the Valley View Estates Apartments. This project added 258 multi-family units to the City's multi-family housing stock and is now complete.		
<b>Staff Recommendation</b> The Community Development Department recommends repealing the 23 <sup>rd</sup> Avenue Urban Revitalization Plan and Area and the Valley View Urban Revitalization Plan and Area including the corresponding ordinances, effective March 15, 2010.		
<b>Attachments</b>		
Resolutions and Ordinances to Repeal		

**RESOLUTION NO. . 10-62**

**A RESOLUTION REPEALING THE VALLEY VIEW URBAN REVITALIZATION PLAN AND AREA.**

**WHEREAS,** the City of Council Bluffs has the authority under Chapter 404 of the Iowa Code to declare areas to be urban revitalization areas; and

**WHEREAS,** on November 22, 1999, the City of Council Bluffs adopted Resolution No. 99-293 approving the Valley View Urban Revitalization Plan; and

**WHEREAS,** on December 16, 2002, the City of Council Bluffs adopted Resolution 02-345 amending the Valley View Urban Revitalization Plan by extending the term to December 31, 2002; and

**WHEREAS,** the construction of the Valley View Estates Apartments is now complete and there is no longer a need for the Valley View Urban Revitalization Plan and Area.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the Valley View Urban Revitalization Plan and Area are hereby repealed, effective March 15, 2010.

ADOPTED  
AND  
APPROVED

February 22, 2010

\_\_\_\_\_  
Thomas P. Hanafan

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden

\_\_\_\_\_  
City Clerk



**Council Communication**  
**February 22, 2010 City Council Meeting**

Department: Community Development  Case/Project Nos.: URV-99-002 & URV 02-001	Ordinance Nos.:  Resolution Nos.: <u>10-63</u>	First Reading: 2-22-10 Second Reading: N/A Third Reading: N/A Public Hearing: 3-8-10
<b>Subject/Title</b>		
1) Repeal of the 23 <sup>rd</sup> Avenue Urban Revitalization Plan, Area and Ordinance 2) Repeal of the Valley View Urban Revitalization Plan, Area and Ordinance		
<b>Background/Discussion</b>		
<u>Background</u> Chapter 404 of the Iowa Code authorizes a City to designate an area as an urban revitalization area. Improvements to qualified real estate within designated areas may then be eligible to receive a total or partial exemption from property taxes for a specified number of years. The exemptions are intended to stimulate private investment by reducing the tax increase that would normally result from making improvements to real estate property. Urban revitalization tax abatement incentives apply to commercial development, industrial development and multi-family residential development (12 units or more). Both new construction on vacant or unimproved land and the rehabilitation of existing structures are eligible for tax abatement.  The City of Council Bluffs currently has four urban revitalization areas. Two of these areas have expired and the projects have been completed. As a result, these two areas should now be repealed.		
<u>Discussion</u> 23 <sup>rd</sup> Avenue – The 23 <sup>rd</sup> Avenue Urban Revitalization Area was originally adopted on February 25, 2002 by Resolution 02-61 and Ordinance 5684. As a result of the creation of this urban revitalization area, AGT Enterprises, Inc. constructed the Star Cinema. The project is now complete.  Valley View – The Valley View Urban Revitalization Area was originally adopted on November 22, 1999 by Resolution 99-293 and Ordinance 5478. This urban revitalization area was amended on December 16, 2002 by Resolution 02-345 to extend the term of the area. As a result of the creation of this urban revitalization area, The Foundation for Affordable Housing constructed the Valley View Estates Apartments. This project added 258 multi-family units to the City's multi-family housing stock and is now complete.		
<b>Staff Recommendation</b>		
The Community Development Department recommends repealing the 23 <sup>rd</sup> Avenue Urban Revitalization Plan and Area and the Valley View Urban Revitalization Plan and Area including the corresponding ordinances, effective March 15, 2010.		
<b>Attachments</b>		
Resolutions and Ordinances to Repeal		

**RESOLUTION NO. 10-63**

**A RESOLUTION REPEALING THE 23<sup>RD</sup> AVENUE URBAN REVITALIZATION PLAN AND AREA.**

**WHEREAS,** the City of Council Bluffs has the authority under Chapter 404 of the Iowa Code to declare areas to be urban revitalization areas; and

**WHEREAS,** on February 25, 2002, the City of Council Bluffs adopted Resolution No. 02-61 approving the 23<sup>rd</sup> Avenue Urban Revitalization Plan; and

**WHEREAS,** the construction of the Star Cinema is now complete and there is no longer a need for the 23<sup>rd</sup> Avenue Urban Revitalization Plan and Area.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the 23<sup>rd</sup> Avenue Urban Revitalization Plan and Area are hereby repealed, effective March 15, 2010.

ADOPTED  
AND  
APPROVED

February 22, 2010

\_\_\_\_\_  
Thomas P. Hanafan

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden

\_\_\_\_\_  
City Clerk

## Council Communication

<b>Department:</b> Finance <b>Applicant:</b> Arthur Hill Finance Director	<b>Ordinance No.</b> _____ <b>Resolution No.</b> <u>10-64</u>	<b>Council Action:</b> <u>2/22/2010</u>
<b>Subject/Title</b>		
Council consideration of a resolution authorizing the redemption of general obligation bonds dated May 29, 2003.		
<b>Background/Discussion</b>		
<p>On January 25, 2010 a public hearing was held to receive public comment regarding the city issuance of refunding general obligation bonds issued May 29, 2003. No dissenting comments were made. In addition, on that date council authorized going forward with pricing bonds on February 8, 2010.</p> <p>On February 8, 2010 bids were received and at the council meeting, authorization to issued refunding bonds was approved.</p> <p>At this stage, the council must authorize the early redemption (call) of these bonds on June 1, 2010.</p>		
<b>Recommendation</b>		
Adoption of a resolution authorizing the redemption of general obligation bonds dated May 29, 2003.		

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Mayor Signature

(This Notice to be posted)

**NOTICE AND CALL OF PUBLIC MEETING**

Governmental Body:       The City Council of the City of Council Bluffs, State of Iowa.

Date of Meeting:           February 22, 2010.

Time of Meeting:          \_\_\_\_\_ o'clock \_\_\_\_\_.M.

Place of Meeting:         Council Chambers, City Hall, 209 Pearl Street,  
Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

- Resolution Authorizing the Redemption of Outstanding General Obligation Bonds, dated May 29, 2003.

Such additional matters as are set forth on the additional \_\_\_\_\_ page(s) attached hereto.  
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

\_\_\_\_\_  
City Clerk, City of Council Bluffs, State of  
Iowa

February 22, 2010

The City Council of the City of Council Bluffs, State of Iowa, met in \_\_\_\_\_ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., on the above date. There were present Mayor \_\_\_\_\_, in the chair, and the following named Council Members:

\_\_\_\_\_

\_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

Council Member \_\_\_\_\_ introduced the following Resolution entitled "RESOLUTION AUTHORIZING THE REDEMPTION OF OUTSTANDING GENERAL OBLIGATION BONDS, OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA, DATED MAY 29, 2003, AND DIRECTING NOTICE BE GIVEN" and moved its adoption. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION AUTHORIZING THE REDEMPTION OF  
OUTSTANDING GENERAL OBLIGATION BONDS, OF THE  
CITY OF COUNCIL BLUFFS, STATE OF IOWA, DATED  
MAY 29, 2003, AND DIRECTING NOTICE BE GIVEN

WHEREAS, the City did by resolution dated May 19, 2003, authorize the issuance of \$5,620,000 General Obligation Bonds, (the "Bonds") dated May 29, 2003; and

WHEREAS, the Bonds are redeemable in any order of their numbering on June 1, 2010 or any date thereafter upon giving notice in the manner provided in the resolution authorizing the issuance of the Bonds; and

WHEREAS, it is deemed necessary and advisable that \$3,700,000 be so redeemed on June 1, 2010, and notice of redemption be given according to the terms of the resolution authorizing issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA:

Section 1. That outstanding General Obligation Bonds, dated May 29, 2003, in the principal amount of \$3,700,000, be and the same are hereby redeemed as of June 1, 2010.

Bankers Trust Company, Des Moines, Iowa, in their capacity as Registrar and Paying Agent of the Bonds, is hereby authorized and directed to cause notice of such redemption be given not less than thirty (30) days prior to the redemption date and to cause notice of redemption to be mailed to the registered owners of the Bonds by registered mail.

Section 2. The Finance Director is hereby authorized and directed to cause to be deposited in a separate fund a sum sufficient to pay all principal and interest on the redeemed Bonds to the date of redemption.

Section 3. That the form of such notice be substantially as follows:

NOTICE OF THE CALL OF BONDS FOR REDEMPTION TO THE HOLDERS OF  
THE FOLLOWING DESCRIBED BONDS:

Please take notice that the Bonds described below have been called for redemption. Owners of the Bonds should present their Bonds for payment on the redemption date.

Issuer: City of Council Bluffs, State of Iowa

Original Issue Amount: \$5,620,000

Bond Issue: General Obligation Bonds

Dated Date: May 29, 2003

Redemption Date: June, 1, 2010

Redemption Price: At par, plus accrued interest

Bonds Called for Redemption

<u>CUSIP Numbers</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Maturity June 1<sup>st</sup></u>
222129 – L48	\$400,000	3.250%	2011
222129 – L55	\$415,000	3.350%	2012
222129 – L63	\$430,000	3.450%	2013
222129 – L71	\$450,000	3.550%	2014
222129 – L89	\$470,000	3.550%	2015
222129 – L97	\$490,000	3.650%	2016
222129 – M21	\$510,000	3.750%	2017
222129 – M39	\$535,000	3.875%	2018

No representation is made as to the accuracy of the CUSIP numbers printed herein or on the Bonds.



The above Bonds should be presented to Bankers Trust Company, Des Moines, Iowa. This represents a full call of the outstanding obligations. All interest will cease to accrue on the Redemption Date.

BANKERS TRUST COMPANY,  
Des Moines, Iowa

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(End of Notice)

PASSED AND APPROVED this 22nd day of February, 2010.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# CERTIFICATE

STATE OF IOWA )  
 ) SS  
COUNTY OF POTTAWATTAMIE )

I, the undersigned City Clerk of the City of Council Bluffs, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City showing proceedings of the City Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of the agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the City hereto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

City Clerk, City of Council Bluffs, State of Iowa

(SEAL)

## Council Communication

<b>Department:</b> Finance <b>Applicant:</b> Arthur Hill Finance Director	<b>Ordinance No.</b> _____ <b>Resolution No.</b> <u>10-65</u>	<b>Council Action:</b> <u>2/22/2010</u>
<b>Subject/Title</b>		
Council consideration of a resolution appointing paying agent, note registrar, and transfer agent, approving the tax exempt certificate, approving the continuing disclosure certificate, and approving and authorizing a form of loan agreement.		
<b>Background/Discussion</b>		
<p>On January 25, 2010 a public hearing was held to receive public comment regarding the city issuance of refunding general obligation bonds issued May 29, 2003. No dissenting comments were made. In addition, on that date council authorized going forward with pricing bonds on February 8, 2010.</p> <p>On February 8, 2010 bids were received and at the council meeting, authorization to issued refunding bonds was approved.</p> <p>At this stage, the council must appoint a paying agent, note registrar, and transfer agent, approve the tax exempt certificate, approve the continuing disclosure certificate, and approve and authorize a form of loan agreement.</p>		
<b>Recommendation</b>		
Adoption of a resolution appointing paying agent, note registrar, and transfer agent, approving the tax exempt certificate, approving the continuing disclosure certificate, and approving and authorizing a form of loan agreement.		

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Mayor Signature

(This Notice to be posted)

**NOTICE AND CALL OF PUBLIC MEETING**

Governmental Body: The City Council of the City of Council Bluffs, State of Iowa.

Date of Meeting: February 22, 2010.

Time of Meeting: \_\_\_\_\_ o'clock \_\_\_\_\_.M.

Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,  
Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for the meeting is as follows:

\$3,685,000 General Obligation Refunding Capital Loan Notes, Series 2010A.

- Resolution Appointing Paying Agent, Note Registrar, and Transfer Agent, Approving the Paying Agent and Note Registrar and Transfer Agent Agreement and Authorizing the Execution of the Agreement.
- Approval of Tax Exemption Certificate.
- Approval of Continuing Disclosure Certificate.
- Resolution approving and authorizing a form of Loan Agreement and authorizing and providing for the issuance of Capital Loan Notes and levying a tax to pay the Notes.

Such additional matters as are set forth on the additional \_\_\_\_\_ page(s) attached hereto.  
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of the governmental body.

\_\_\_\_\_  
City Clerk, City of Council Bluffs, State of  
Iowa

February 22, 2010

The City Council of the City of Council Bluffs, State of Iowa, met in \_\_\_\_\_ session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., on the above date. There were present Mayor \_\_\_\_\_, in the chair, and the following named Council Members:

\_\_\_\_\_

\_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

Council Member \_\_\_\_\_ introduced the following resolution entitled "RESOLUTION APPOINTING BANKERS TRUST COMPANY OF DES MOINES, IOWA, TO SERVE AS PAYING AGENT, NOTE REGISTRAR, AND TRANSFER AGENT, APPROVING THE PAYING AGENT AND NOTE REGISTRAR AND TRANSFER AGENT AGREEMENT AND AUTHORIZING THE EXECUTION OF THE AGREEMENT", and moved that the resolution be adopted. Council Member \_\_\_\_\_ seconded the motion to adopt. The roll was called and the vote was,

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION APPOINTING BANKERS TRUST COMPANY OF  
DES MOINES, IOWA, TO SERVE AS PAYING AGENT, NOTE  
REGISTRAR, AND TRANSFER AGENT, APPROVING THE PAYING  
AGENT AND NOTE REGISTRAR AND TRANSFER AGENT  
AGREEMENT AND AUTHORIZING THE EXECUTION OF THE  
AGREEMENT

WHEREAS, \$3,685,000 General Obligation Refunding Capital Loan Notes, Series 2010A, dated March 18, 2010, have been sold and action should now be taken to provide for the maintenance of records, registration of certificates and payment of principal and interest in connection with the issuance of the notes; and

WHEREAS, this Council has deemed that the services offered by Bankers Trust Company of Des Moines, Iowa, are necessary for compliance with rules, regulations, and requirements governing the registration, transfer and payment of registered notes; and

WHEREAS, a Paying Agent, Note Registrar and Transfer Agent Agreement (hereafter "Agreement") has been prepared to be entered into between the City and Bankers Trust Company.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, STATE OF IOWA:

Section 1. That Bankers Trust Company of Des Moines, Iowa, is hereby appointed to serve as Paying Agent, Note Registrar and Transfer Agent in connection with the issuance of \$3,685,000 General Obligation Refunding Capital Loan Notes, Series 2010A, dated March 18, 2010.

Section 2. That the Agreement with Bankers Trust Company of Des Moines, Iowa, is hereby approved and that the Mayor and Clerk are authorized to sign the Agreement on behalf of the City.

PASSED AND APPROVED this 22nd day of February, 2010.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk